
Differential Response Improves Traditional Investigations: Criminal Arrests for Severe Physical and Sexual Abuse

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Introduction

This research paper is based upon data collected as part of the evaluation of the Missouri Family Assessment and Response Demonstration.¹ The Institute of Applied Research (IAR) conducted the evaluation.² This demonstration represented a fundamental change in the approach of the Missouri Children's Division (CD) to a large majority of child abuse and neglect (CA/N) incident reports. Under the old Missouri system, all valid incident reports that were received via the state's CA/N hotline were investigated by CD CA/N investigators. Under the demonstration, only 30 percent of child abuse and neglect incident reports were investigated and the response to the remaining reports was to provide family assessment home visits. The family assessment ap-

¹ Several different titles were used for the demonstration. Within Missouri, the demonstration was known as the "595 Project," referring to the number of the State Senate Bill authorizing the demonstration. It was also known as the "Two-Track Demonstration," because it involved screening CA/N incident reports into either an investigation or a family assessment "track." Toward the end of the demonstration, state officials came to refer to the project as the "Multiple Response Demonstration," to emphasize the intended flexibility of the approach to child protection and family needs. Nationally the terms **differential response** and **alternative response** have come to be widely used for similar approaches to Child Protection Services.

² See the IAR Report: "The Missouri Family Assessment and Response Demonstration Impact Evaluation: Digest of Findings and Conclusions" by Gary L. Siegel and L. Anthony Loman. This paper can be downloaded in PDF format from <http://www.iarstl.org>.

proach was designed to shift initial encounters with families in a more positive and supportive direction. The minority of incident reports that received an investigation were those in which very serious or criminal abuse or neglect was believed to be likely. An explicit objective of the new approach was to pursue criminal prosecution of perpetrators when investigations had uncovered potentially criminal acts.

A number of factors implemented in the Missouri demonstration had the potential for improving investigations, as interviews with workers during site visits to local offices confirmed. The screening of hotlines, and the subsequent use of family assessments in many cases, reduced the number of incidents that were investigated. This reduction had consequences for the types of situations investigated and the manner in which they were investigated. As noted, nearly every investigation in demonstration areas involved serious allegations, if not the likelihood of criminal acts. In most demonstration areas, the large majority of investigations became co-investigations with the local police department. In offices in which separate staffs conducted investigations and family assessments, investigative workers frequently spoke of a closer relationship with law enforcement.

During interviews, workers reported an increase in the comprehensiveness of investigations and an improvement in their overall quality. Some also saw an improvement in their efficiency. Some workers also described a carry-over effect of the family assessment approach into investigations. Investigators were likely to be more aware of the social psychological dynamics involved in home visits, more sensitive to the feelings

of families, and more focused on the timeliness of interventions.

In a survey conducted near the end of the demonstration, investigators in demonstration areas were more likely to report that they had been able to interview all the people they thought they should during investigations conducted within the previous 30 days (82 percent versus 66 percent for comparison workers). In the review of sample cases, it was found that investigators in demonstration areas were more likely to have contacted a prosecutor in cases involving severe injury to children.

The present paper describes a more elaborate analysis of criminal arrests in demonstration and comparison areas utilizing criminal records maintained by the Missouri Highway Patrol.

Child Welfare Cases Studied

The evaluation followed cases over a two-year period from July 1995 through June 1997 in 30 Missouri counties. The demonstration took place in 14 counties and in selected zip codes areas in St. Louis City and St. Louis County. For purposes of comparison 14 other counties were selected along with additional zip codes.

Three kinds of CA/N incident outcomes were tracked in the evaluation: substantiated investigations, preventive service cases and family assessments in which services were determined to be needed. The latter only occurred in demonstration counties where many CA/N incident reports were screened into the family assessment track. Taken together these outcomes represented a minority of all incidents because more CA/N reports ended either as unsubstantiated investigations or family assessment with no services needed. When one of these three outcomes occurred, the family was tracked throughout the remainder of the evaluation period. Thus, in the comparison areas the traditional approach was followed and all reports were investigated. In the demonstration areas, however, only a minority of reports (about 30 percent) were investigated.

The remaining 70 percent received a family assessment.

Demonstration and comparison families were added to the study population in demonstration and comparison areas from July 1995 through December 1996. A total of 6,404 families were chosen in this fashion (3,313 in demonstration areas and 3,087 in comparison areas). They continued to be followed through the end of data collection in June 1997.

The CA/N incidents that led each family to be selected for tracking can be called the *initiating incident*. Initiating incidents covered the full range of types of child abuse and neglect normally reported to the state hotline unit. Many of these families also experienced subsequent incident reports that resulted in other investigations or family assessments.

During the demonstration period all CA/N incident reports that were forwarded to local CD offices selected for the demonstration were first screened to determine whether they should be investigated or assessed. As already noted, across all the demonstration counties only about three in every ten reports were assigned for investigations. These tended to be the more serious and potentially criminal incidents. They included, among others, all sexual abuse reports as well as reports indicating severe physical abuse and child neglect.

As the proportion of incidents that were formally investigated in demonstration areas declined, the intensity of investigations increased. Most such reports were co-investigated with law enforcement officials. A logical expectation arising from this change was that more alleged perpetrators of child abuse and neglect would also be pursued through the legal system from arrest to criminal prosecution and conviction. Increased contact, communication, and joint activity between law enforcement and child welfare investigators should bring this about. In addition, the idea of pursuit of criminal prosecution in these more severe cases had been emphasized in the special training conducted for the demonstration

and in community meetings. If the training had its intended effects investigators might be expected to place greater emphasis on this as they talked with law enforcement personnel and local prosecutors. The general hypothesis examined in the present report is that activities that might lead to prosecutions increased in demonstration areas. The specific activities investigated were arrests of CA/N perpetrators by law enforcement officials.

Types of Initiating Incidents Selected for Analysis

Because criminal record checks could not be conducted on all 6,404 families followed during the demonstration period, the approach taken was to select certain categories of incidents with higher probability of being pursued legally, and to do this in both the demonstration and comparison counties. Perpetrators were selected in the following three types of initiating incidents:

Sexual abuse. This included any report of fondling or touching, oral sex or sodomy, digital penetration, intercourse, pornography or other sexual abuse. It also included reports of sexually transmitted diseases and of genital or anal bleeding.

Severe Physical Abuse. Within this category were included reports of internal injuries, fractures, skull fractures, brain damage and child fatalities.

Less Severe Physical Abuse. In this category were a) bruises, welts, red marks, b) abrasions, lacerations and c) wounds, cuts and punctures. Only cases in which accusations were received within *two or all three* of the categories (a, b or c) were selected. Incidents of this kind had been found in earlier analyses to indicate more severe cases. The procedure excluded the most common types of reported physical abuse in which only bruises were mentioned.

We selected only those families for whom initiating incidents were *investigated and substantiated*. This method excluded preventive services and family assessment

responses but increased the chances of finding situations of more serious danger to children. Beyond the abuse itself, dangers would include threats, other violent activities in the home, mentally disturbed adults, young children, and so on. More importantly, criminal charges were unlikely to be pursued in the excluded cases where no probable cause (substantiation) of child abuse or neglect was found.

Using this method, 738 families were selected. In the initiating incidents of these research cases, 933 unduplicated perpetrators were found.³ Among all the research cases in the demonstration and comparison areas these perpetrators were most likely to be criminally prosecuted. As discussed in the next section, this was reduced to 917 in the final analysis.

Severe physical abuse accusations within the categories indicated are very rare among CA/N reports. In the present sample only 69 perpetrators of such abuse were found. Sexual abuse was the largest of the three categories, with 737 perpetrators considered. The category of less severe physical abuse included 180 perpetrators. These summed to more than the total number of perpetrators because some perpetrators were found in more than one of the three categories.

Criminal Records

The Missouri Highway Patrol maintains criminal history information in its Criminal Records and Identification Division. This includes information provided from local jurisdictions throughout the state on arrests and convictions. The data on arrests were thought to be relatively complete. We were less confident about information on prosecutions and convictions, which is stored in separate files containing sentences and suspended imposition of sentence. After discussions with Highway Patrol personnel, we decided that 1) data on sentences might not

³ The large majority of CA/N incidents list only one alleged perpetrator.

be complete for all jurisdictions and 2) that because of the nature of the judicial process the charges of the crime for which an individual is convicted may not reflect the original charges. Such an analysis would require more detailed and complete information to be collected in local courts.

Information on arrests by local and state law enforcement was thought to be relatively complete and was available by charge and by social security number. The Missouri State Highway Patrol offered to assist with the evaluation by supplying this information for each of the perpetrators in our final list.

Because Missouri law is designed to protect the privacy of individuals by limiting the distribution of prior arrest data, an elaborate procedure to assure anonymity was followed. IAR designed a perpetrator data file containing both identifying information (names, addresses, birth dates, social security numbers) and other data that were necessary for purposes of analysis, such as the type of incident, county, demonstration or comparison group membership, sex, race, etc. After receiving this file, the Highway Patrol analysts matched the individuals against arrest records, checking social security numbers and cross checking ages, names and addresses to assure the most complete accuracy. The analysts encrypted all identifying information in the data files so that it was difficult or impossible to discover from the file the person's individual identity. The file was then returned to IAR. In addition, IAR also signed an agreement that it would not seek to re-identify any individual in the file, should that prove possible. This method permitted primary analyses to be conducted in which demonstration and comparison outcomes were compared while protecting the criminal arrest information on the individuals being studied.

Perpetrators in CA/N investigations are generally adequately identified (name, address, social security number). The exception to this rule is cases in which one of the perpetrators is only loosely connected to the family. For example, a boyfriend of the

mother in a sexual abuse investigation may disappear from the scene before the investigator or police ever talk to the family. In these instances the CA/N investigator may have only a name and nothing else. A name alone is usually inadequate for doing a criminal records check. Of the 933 perpetrators, a few were found to have insufficient identifying information, leaving a final total of 917 on whom arrest checks could be made.

Arrests were tracked up to October 1997, but the period of tracking varied. Initiating incidents were spread fairly evenly over the period from July 1995 to December 1996. Consequently, arrests records could be followed for as long as 28 months (July 95 to October 97) for some persons and as little as 11 months (December 96 to October 97) for others. No important differences were found, however, between the distributions of dates of initiating incidents in the demonstration and comparison areas for this set of perpetrators.

Limitations of the Analysis and How they were Addressed

Criminal arrest records provide a picture of police involvement in cases. They do not provide data on warrants issued or on arraignments and other court proceedings. They tell us nothing directly about guilty pleas, convictions or sentencing. On the other hand, criminal arrests are essential first steps in later criminal proceedings. If arrests do not occur nothing else of a legal nature follows. On this basis we believed that an analysis of arrest records might provide information relevant to the demonstration goal of increased prosecution of perpetrators of criminal CA/N.

The analyses were limited in several other ways. First, systematic differences may exist in the completeness of arrest information. To some extent the large number of Missouri counties from which child welfare cases were drawn may have mitigated differences of this kind. Secondly, arrests only support the hypothesis if they occur in

conjunction with CA/N investigations. Simply counting arrests of CA/N perpetrators is not adequate in and of itself. This problem was addressed in three ways:

1. Only those arrests were captured and counted that occurred *on the day of or during the period following* the initiating incident.
2. The date of the arrest was recorded, permitting greater weight to be assigned to arrests that were closer in time to the initiating incident.
3. The kind of charge was recorded, permitting charges that were most likely to be related to child abuse or child neglect to be considered separately and permitting the type of charge to be matched with the type of initiating CA/N incident (e.g., sexual abuse incidents and sexual abuse criminal arrests).

Finally, the general research design of the evaluation could not completely insure complete comparability of the demonstration and comparison groups. This source of error was partially controlled by presenting segre-

gated as well as full-sample analyses. By segregating perpetrators by the type of incident we were assured that primary comparison involved the same general types of abuse incidents—apples were compared with apples.

Analysis and Findings

A relatively high volume of arrests was found among the 917 individual perpetrators in the period after the initiating incident. These can be seen in Table 1. The table collapses the offenses into general categories, showing the number of arrests for each and the number of persons involved in each.⁴

A little less than seven of every ten perpetrators (69.1 percent) had no arrest records during the period considered. With some minor exceptions, arrests were found in virtually every general category in the Missouri Charge Code Manual. The largest categories were those potentially related to child abuse and neglect activities: sexual assault, assault, sex offense, family offense and dan-

Table 1. Subsequent Arrests of CA/N Perpetrators

Arrest Offense Category	Number of Charges or Arrests	Number of Persons Arrested	Percent of Persons	Arrest Offense Category	Number of Charges or Arrests	Number of Persons Arrested	Percent of Persons
No subsequent Arrests		634	69.14	Family Offense	175	104	11.34
Homicide	15	7	0.76	Obstructing Police	3	3	0.33
Sexual Assault	482	135	14.72	Flight/Escape	3	3	0.33
Robbery	4	2	0.22	Obstructing Judicial Proc.	26	17	1.85
Assault	91	54	5.89	Weapons	11	11	1.20
Burglary	22	11	1.20	Dangerous Drugs	48	26	2.84
Stealing	31	21	2.29	Peace Disturbance	1	1	0.11
Kidnapping	9	7	0.76	Health and Safety	1	1	0.11
Arson	1	1	0.11	Hazardous Driving	24	22	2.40
Forgery	4	4	0.44	Haz. Vehicular Conditions	2	1	0.11
Fraud	14	10	1.09	Local Offense-Persons	3	2	0.22
Sex Offense	73	40	4.36	Local Offense-Property	1	1	0.11
Damage Property	13	12	1.31	Local Drug Offense	3	2	0.22
Stolen Property	9	8	0.87	Local DWI/Alc. Offense	5	4	0.44
Obscenity	4	2	0.22	Total		917	

gerous drugs. The categories of sex offenses and family offenses include specific offenses that correspond to Missouri's child protection statutes.

Stated the other way, over 30 percent of the perpetrators experienced criminal arrests in the period following the initiating incident. This figure would no doubt have been higher had it been possible to follow the entire sample for 28 months. On average individuals were tracked for 19 months in the range of 10 to 28 months, as noted above.

Sexual Abuse

There were 737 sexual abuse perpetrators of which 363 were in demonstration areas and 374 in comparison. The first place to look for evidence of further legal work consequent to such CA/N findings is in arrests for sexual offenses of various types. These fell into two categories.

- **Sexual assault:** forcible rape, statutory rape, sexual assault, forcible sodomy, statutory sodomy and deviant sexual assault.
- **Sexual offense:** sexual misconduct, sexual abuse, incest, child molestation, use of child in sexual performance and promoting sexual performance of a child.

Overall, 25.1 percent of demonstration perpetrators were arrested versus 17.4 percent of perpetrators in comparison counties. This difference is statistically significant ($p = .007$). The comparative differences in arrests within succeeding time intervals following the initiating incidents are illustrated in Figure 1.

Most of the difference between the two groups is explained by what happened in the first five days (with day 0 referring to the day of the initiating incident), where 42 demonstration perpetrators (11.6 percent) were arrested as compared to 13 comparison perpetrators (3.5 percent). This difference was also statistically significant ($p < .0001$). The small variations shown in subsequent

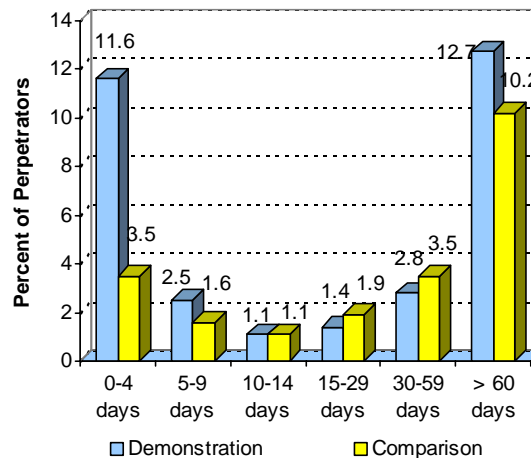


Figure 1. Sexual Assault and Sexual Offense Arrests of Perpetrators in Substantiated Sexual Abuse Incidents

periods in the table appear to be random variations. This alone is strong evidence that these differences were connected to the investigation and to the incident itself.

The most commonly occurring categories under sexual assault were statutory rape, statutory sodomy, rape and sodomy, in that order, although all offenses within that category were represented. In the general sexual offense category, the most common type of arrest was for sexual abuse (with and without the use of a weapon).

Family Offenses

Family offenses included a wide variety of charges that are directly or indirectly related to child abuse and neglect. This is the next logical category to examine in the analysis.

- **Family Offenses:** bigamy, abandonment of a child, non-support, endangering the welfare of a child, abuse of a child, unlawful transactions with a child, violation of terms of an ex parte or full order of protection, ex parte (child protection), failure to report child used in sexual performance, trafficking in children, school-related offenses and unlawfully surrendering custody of child.

For this analysis the entire sample of perpetrators was included. Adults in sexual abuse cases can also be charged with other family offenses. The other two categories involve physical abuse and we would expect to find many of these perpetrators arrested on charges within this category (abuse of a child).

Again, the same pattern appeared. A significant difference was found between cases for the total time period (14.1 percent demonstration versus 8.7 percent comparison, $p = .006$). In this case, the overall difference is accounted for by the large differences observed during the first 10 days after the initiating incident.

Looking inside these cases at the type of incidents, no demonstration-comparison differences were apparent between arrests in cases of severe physical abuse. The differences that appear in Figure 2 were split proportionately between perpetrators in sexual abuse incidents and those in less severe physical abuse incidents. The absence of findings for severe physical abuse may be explained as follows: The number of cases was very small and the nature of the injuries included in this category (see above) would be less likely to result in a family offense charge. Instead we would expect charges of assault, attempted homicide, manslaughter,

and the like. In any event, fewer differences between demonstration and comparison cases were likely in these instances when criminal behavior was least ambiguous.

Other Kinds of Arrest

The analyses just presented of sexual abuse and family offenses concerned only three of the general categories presented in Table 1: sexual assault, sexual offenses and family offenses. A large number of arrests were made of CA/N perpetrators for other offenses that would appear to be unrelated or only indirectly related to child abuse and neglect. We hypothesized that no effects of the demonstration would appear for these kinds of offenses, or that no statistical differences would be found between the arrests of perpetrators in demonstration and comparison areas.

The exception to this hypothesis was severe physical abuse where general criminal charges are more likely, as indicated above. However, the small numbers of demonstration and comparison cases of this kind precluded meaningful comparisons. Additionally, the small numbers of individuals in the other arrest-charge categories generally precluded separate analyses. All other arrests statistics were collapsed, therefore, for the analysis of other kinds of arrests. Although slight trends sometimes appeared favoring demonstration areas in arrests for other kinds of crimes—homicide, robbery, stealing, drug offenses, and so on—no statistically significant differences were found between demonstration and comparison perpetrators in this analysis.

County-Level Differences

Small differences were found among the local offices that composed the demonstration and comparison groups. However, no one county or set of counties on either the demonstration or comparison side could be identified to explain the differences found.

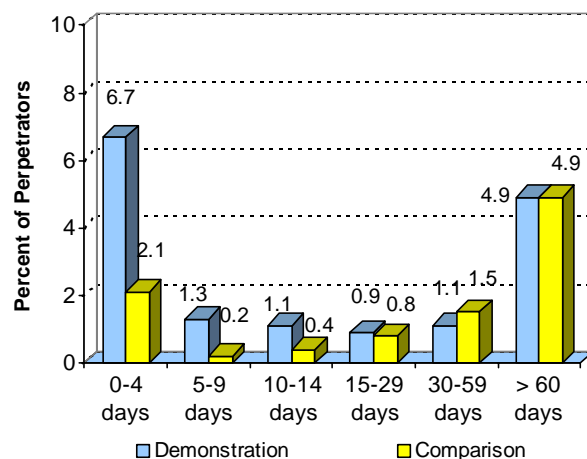


Figure 2. Family Offense Arrests, All Perpetrators

Summary and Conclusions

Together these findings offer relatively strong support for the notion that Missouri's Family Assessment approach resulted in increased legal pursuit of perpetrators of the most serious types of child abuse and neglect.

- 1) Significantly more arrests occurred in demonstration areas for sexual assault, sexual offenses and family offenses. The offense categories were those that corresponded most closely to Missouri child protection statutes. These are precisely the kinds of findings that would be expected if the differences were due to increased emphasis on criminally pursuing the most serious kinds of CA/N cases.
- 2) The large differences in arrests tended to occur during the 10-day period immediately following the initiating incident. This suggests that the differences found were related to the CA/N incidents and to the investigative activities that surrounded them and adds further support to the conclusion that the differences in arrests can be attributed to the demonstration.
- 3) Sexual assault and sexual offense charges were found almost exclusively for perpetrators in sexual abuse incidents. This supports linking arrest findings to the findings of the investigation.
- 4) No significant difference was found between demonstration and comparison areas in arrests for offenses that were unrelated or only indirectly related to child abuse and neglect. This indicates that the first conclusion reported above (1) was not due simply to greater general criminal involvement of the CA/N perpetrators in demonstration areas.
- 5) The differences found between demonstration and comparison areas were spread across a number of demonstration offices. The findings do not seem to be attributable to particularly good arrest

rates in one demonstration county or to particularly poor statistics in one or a small set of comparison offices. The effects were more widespread supporting the assertion that the differences observed were due to the demonstration.

The Missouri family assessment approach was premised on the notion of enhancing the positive aspects of most initial family visits in the demonstration areas by making them non-adversarial. At the same time, the approach involved a focusing of investigations onto a smaller set of families where it was highly likely that criminal and highly dangerous activities were taking place. Earlier findings of the evaluation suggested that this improved the efficiency of investigations and that co-investigations with law enforcement occurred more often. The present analysis builds upon those findings and suggests that the next step was taken more often in investigations—pursuit of criminal charges for those who prey upon children.

This issue is critically important to the continued success of the approach inherent in the Family Assessment Demonstration. A primary concern was whether reductions in formally investigated reports might lead to a relaxation of the child welfare agency's vigilance in protecting children and in assuring that criminal abuse of children is not repeated. The findings of this analysis provide no support that such a relaxation took place. They rather support the contrary assertion that vigilance was increased.

This analysis was based on state arrest data. To study prosecutions and convictions directly, further data collection would be required. Such a study could be based on a sample of cases selected statewide with follow-ups conducted with *local* police and in *local* courts.